

IN THE CHANCERY COURT OF PHILLIPS COUNTY, ARKANSAS

CEDAR CHEMICAL CORPORATION PLAINIFF

VS. NO. E-91-349

WORMALD U.S., INC. DEFENDANT

DEFENDANT'S ANSWERS TO PLAINTIFF'S  
INITIAL REQUEST FOR ADMISSIONS

Comes the Defendant, Wormald U.S., Inc., and for its Answers to Request for Admissions states:

REQUEST NO. 1: Please admit that Eagle River was the owner of the West Helena Plant site from at least September 1971 until at least November 1972.

ANSWER TO REQUEST NO. 1: Admitted.

REQUEST NO. 2: Please admit that from September 1971 until at least November 1972, Ansul owned a majority of the outstanding shares of stock in Eagle River.

ANSWER TO REQUEST NO. 2: Admitted.

REQUEST NO. 3: Please admit that from September 1971 until November 1972, Ansul controlled manufacturing operations carried out on the West Helena Plant site.

ANSWER TO REQUEST NO. 3: Defendant denies that Ansul controlled the manufacturing operations carried out at the West Helena Plant site by Eagle River Chemical Corporation. This request involves a genuine issue for trial which the Defendant has good reason to deny based on the reasonable belief that Eagle River existed as a separate and distinct corporation from Ansul.

REQUEST NO. 4: Please admit that from September 1971 until November 1972, the President, Secretary, and Treasurer of Eagle



**162745**

River were all employees of Ansul, and two of the three directors of Eagle River were employees of Ansul.

ANSWER TO REQUEST NO. 4: Admitted.

REQUEST NO. 5: Please admit that in connection with the sale of its stock interest in Eagle River, Ansul acquired ownership of all pesticide products and raw materials in Eagle River's inventory located on the West Helena Plant site as of November 15, 1972, including those products identified in Exhibit A to these requests for admissions.

ANSWER TO REQUEST NO. 5: The only information that Defendant has in regard to the sale of its stock in Eagle River on November 15, 1972, is that contained in the document attached hereto as Exhibit A. Upon reasonable inquiry, the Defendant is without sufficient information or knowledge to admit or deny that it acquired ownership of all pesticide products and raw materials in Eagle River's inventory located on the West Helena Plant site as of November 15, 1972.

REQUEST NO. 6: Please admit that the principal active ingredient in both Basanite and Ancrack Herbicides is dinitrobutylphenol, also known as dinoseb or dinitro.

ANSWER TO REQUEST NO. 6: Upon reasonable inquiry, Defendant is without sufficient information or knowledge at this time to either admit or deny that dinitrobutylphenol is the principal active ingredient in both Basanite and Ancrack.

REQUEST NO. 7: Please admit that Ancrack was a trade name used by Ansul to market its dinitrobutylphenol herbicide products.

ANSWER TO REQUEST NO. 7: Upon reasonable inquiry, Defendant is without sufficient information or knowledge at this time to either admit or deny that Ancrack was a trade name used by Ansul to market its dinitrobutylphenol herbicide products.

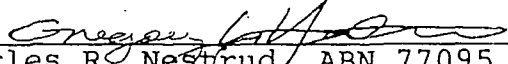
REQUEST NO. 8: Please admit that on one or more occasions from November 1972 through at least June 1973, Ansul arranged to remove chemical products owned by it from the West Helena Plant to one or more locations off the plant site for disposal, including raw materials used for production of products at the West Helena Plant during the period September 1971 - November 1972.

ANSWER TO REQUEST NO. 8: It is admitted that Ansul arranged one shipment of certain chemical materials, as indicated on Exhibit B attached hereto, from the West Helena Plant to Conservation Chemical Co. in Gary, Indiana on June 5, 1973.

REQUEST NO. 9: Please admit that Basanite and Ancrack are products which were produced at the West Helena Plant site during the period September 1971 - November 1972.

ANSWER TO REQUEST NO. 9: Upon reasonable inquiry, Defendant is without sufficient information or knowledge at this time to either admit or deny that Basanite and Ancrack were products which were produced at the West Helena Plant site during the period September 1971 through November 1972.

CHISENHALL, NESTRUD & JULIAN, P.A.  
400 W. Capitol, Suite 2840  
First Commercial Bank Building  
Little Rock, Arkansas 72201  
(501) 372-5800

By:   
Charles R. Nestrud, ABN 77095  
Gregory L. Yeatman, ABN 89008

CERTIFICATE OF SERVICE

I, Gregory L. Yeatman, do hereby certify that a copy of the foregoing instrument has been mailed to the following this 4<sup>th</sup> day of October, 1991.

David Solomon  
P. O. Box 490  
Helena, AR 72342

Allen T. Malone  
APPERSON, CRUMP DUZANE & MAXWELL  
Suite 2110  
One Commerce Square  
Memphis, TN 38103

  
Gregory L. Yeatman

wor.pld

TAB 1

TAB 2

TAB 3

TAB 4



THE ANSUL COMPANY, MARINETTE, WISCONSIN 54143

ORIGINAL  
PURCHASE ORDERSUBJECT TO THE ANSUL COMPANY  
STANDARD PURCHASE ORDER TERM

(715) 735-7411 TELEX 26-3446 TWX 910-270-1383

| ORDER DATE | REQ. NO. | PURCHASE ORDER NO. | DIRECT CORRESPONDENCE, CALLS, ETC. | SPECIAL INSTRUCTIONS                                 |
|------------|----------|--------------------|------------------------------------|--|
| 6-7-73     | 58252    | AOO79142           | D. R. Rife      pjg                | Pick up at Eagle River Chem<br>Co. West Helena, Ark. |

VENDOR

Conservation Chemical Co.  
Box 6066  
Gary, Indiana 46406

Attn: Mr. Norm Hjersted

L.C.D.

PLEASE SEND INVOICE  
ATTN: ACCOUNTS  
PAYABLE DEPT.

SHIP TO ANSUL RECEIVING STATION SHOWN BELOW UNLESS OTHER DESTINATION SPECIFIED

**DUE DATE**  
AT ANSUL

| TERMS        | F.O.B.            | SHIP VIA  | FREIGHT | TAX STATUS |     |      |
|--------------|-------------------|---|---------|------------|-----|------|
| net 30       | dest              | Your Truck  | ppd     |            |     |      |
| QTY. ORDERED | ANSUL<br>PART NO. | DESCRIPTION   | ACCOUNT | PRICE      | MO. | DAY  |
|              |                   | Confirmation of verbal order to Norm Hjersted   |         |            |     |      |
|              |                   | Order to cover pick up and disposal of the<br>following materials:  |         |            |     |      |
| 30 bbls      |                   | Mesityl Oxide   | 3476    | Advise     |     | ASAP |
| 30 bbls      |                   | Triethanolamine   |         |            |     |      |
| 30 bbls      |                   | Emulsifier  |         |            |     |      |
|              |                   | Material will be in 55 & 30 gallon drums.<br>Pick up at Eagle River Chemical Co., Hwy 242,<br>West Helena, Arkansas |         |            |     |      |

OM

IMPORTANT  
VENDOR  
INSTRUCTIONS

1. ACKNOWLEDGE THIS ORDER PROMPTLY.
2. SHOW OUR PURCHASE ORDER NUMBERS ON ALL INVOICES, BILLS OF LADING, PACKAGES, PACKING LISTS, & CORRESPONDENCE.
3. WHEN PARTS ARE IDENTIFIED WITH ANSUL PART NUMBERS, PLEASE CHECK YOUR LATEST BLUEPRINT REVISION NUMBER AND ADVISE IMMEDIATELY IF YOUR BLUEPRINTS ARE NOT CORRECT.
4. MAIL BILL OF LADING TO US ON DAY OF SHIPMENT.
5. WISCONSIN SELECTIVE SALES AND USE TAX PERMIT 41704. IS THIS ORDER SUBJECT TO TAX?

BY D. R. Rife PURCHASING AGENT

PUR-100

EXHIBIT A

TAB 1

TAB 2

TAB 4



THE ANSUL COMPANY, MARINETTE, WISCONSIN 54143

(715) 735-7411 TELEX 26-3446 TWX 910-270-1383

ORIGINAL  
PURCHASE ORDERSUBJECT TO THE ANSUL COMPANY  
STANDARD PURCHASE ORDER TERMS

| ORDER DATE | REQ. NO. | PURCHASE ORDER NO. | DIRECT CORRESPONDENCE, CALLS, ETC. | SPECIAL INSTRUCTIONS |
|------------|----------|--------------------|------------------------------------|----------------------|
| 6-7-73     | 58252    | AOO79142           | D. R. Rife      pjg                |                      |

VENDOR

Conservation Chemical Co.

Page 2

L.C.D.

PLEASE SEND INVOICE  
ATTN: ACCOUNTS  
PAYABLE DEPT.

SHIP TO ANSUL RECEIVING STATION SHOWN BELOW UNLESS OTHER DESTINATION SPECIFIED

**DUE DATE**  
AT ANSUL



| TERMS        | F.O.B.         | SHIP VIA   | FREIGHT | TAX STATUS |     |     |    |
|--------------|----------------|--|---------|------------|-----|-----|----|
| QTY. ORDERED | ANSUL PART NO. | DESCRIPTION  | ACCOUNT | PRICE      | MO. | DAY | YR |
|              |                | <p>Please notify Mr. John Halcomb<br/>501-572-3701 when your truck leaves<br/>Gary, Indiana.</p> <p>Purchase order to cover material transportation<br/>disposal and decontamination &amp; disposal of<br/>empty containers.</p> <p>Seller certifies that goods, supplies, equipment fur-<br/>nished hereunder are in compliance with Williams<br/>Sleiger Act (Occupational Safety and Health Act of<br/>1970) and amendments thereto and all standards<br/>promulgated thereunder.</p> |         |            |     |     |    |

IMPORTANT.  
VENDOR  
INSTRUCTIONS

1. ACKNOWLEDGE THIS ORDER PROMPTLY.
2. SHOW OUR PURCHASE ORDER NUMBERS ON ALL INVOICES, BILLS OF LADING, PACKAGES, PACKING LISTS, & CORRESPONDENCE.
3. WHEN PARTS ARE IDENTIFIED WITH ANSUL PART NUMBERS, PLEASE CHECK YOUR LATEST BLUEPRINT REVISION NUMBER AND ADVISE IMMEDIATELY IF YOUR BLUEPRINTS ARE NOT CORRECT.
4. MAIL BILL OF LADING TO US ON DAY OF SHIPMENT.
5. WISCONSIN SELECTIVE SALES AND USE TAX PERMIT 41706, IS THIS ORDER SUBJECT TO TAX?

BY

PURCHASING AGENT

PUR-100



THE ANSUL COMPANY, MARINETTE, WISCONSIN 54143

#715) 735-7411 TELEX 26-3446 TWX 910-270-1383

ACKNOWLEDGMENT  
PURCHASE ORDERSUBJECT TO THE ANSUL COMPANY  
STANDARD PURCHASE ORDER TERMS

|            |          |                    |                                    |                      |
|------------|----------|--------------------|------------------------------------|----------------------|
| ORDER DATE | REQ. NO. | PURCHASE ORDER NO. | DIRECT CORRESPONDENCE, CALLS, ETC. | SPECIAL INSTRUCTIONS |
| 6-7-73     | 58252    | AOO79142           | D. R. Rife                         | P/V                  |

VENDOR

Conservation Chemical Co.

Page 2

L.C.D.

SHIP TO ANSUL RECEIVING STATION SHOWN BELOW UNLESS OTHER DESTINATION SPECIFIED

DUE DATE  
AT ANSUL

|              |                |  |         |            |     |     |     |
|--------------|----------------|--|---------|------------|-----|-----|-----|
| TERMS        | F.O.B.         | SHIP VIA   | FREIGHT | TAX STATUS |     |     |     |
| QTY. ORDERED | ANSUL PART NO. | DESCRIPTION  | ACCOUNT | PRICE      | MO. | DAY | YR. |
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ACKNOWLEDGEMENT COPY  
RETURN AT ONCE

|               |          |                |               |                  |
|---------------|----------|----------------|---------------|------------------|
| SHIPPING DATE | PART NO. | SHIPPING POINT | WILL SHIP VIA | VENDOR ORDER NO. |
|               |          |                |               |                  |
|               |          |                |               |                  |
|               |          |                |               |                  |
|               |          |                |               |                  |

|                 |    |      |
|-----------------|----|------|
| NAME OF COMPANY | BY | DATE |
| PUR - 100       |    |      |



THE ANSUL COMPANY, MARINETTE, WISCONSIN 54143

CHECK NO. 0766154

| INVOICE NO. | INVOICE DATE | VOUCHER NO | INVOICE AMOUNT | DISCOUNT   | NET      |
|-------------|--------------|------------|----------------|------------|----------|
| G 9863      | 06/14/73     | 34621      | 1,380.00       |            | 1,380.00 |
|             |              |            | TOTAL          | REMITTANCE | 1,380.00 |



**INVOICE**

CONSERVATION CHEMICAL COMPANY

**OF ILLINOIS**

BOX 6066 GARY, INDIANA 46406

PHONE 219-949-8229

**G 9863**

DATE **JUNE 14** 1973

The Animal Co.  
Marquette, Mich. 54143

Engle River Chemical  
West Helena, Ark.

| CUSTOMER'S ORDER NO. |              | DATE SHIPPED                                       | SHIPPED VIA | TERMS       | SALESMAN |            | DUPLICATE ORDER NO. |          |
|----------------------|--------------|--|-------------|-------------|----------|------------|---------------------|----------|
| 1079142              |              | 6-5-73   | OUR TRUCK   | NET 30 DAYS |          |            |                     |          |
| QTY. ORDERED         | QTY. SHIPPED | DESCRIPTION OF GOODS                               |             |             | UNIT     | UNIT PRICE | AMOUNT              |          |
|                      |              | PICK UP AND DISPOSAL MISCELLANEOUS WASTE CHEMICALS |             |             |          |            |                     |          |
|                      |              | 30-50 GALLON DRUMS MERCURY OXIDE                   |             |             | 30       | \$6.00     |                     | \$180.00 |
|                      |              | 30-55 GALLON DRUMS TRIETHANOLAMINE                 |             |             | 30       | \$9.00     |                     | \$270.00 |
|                      |              | 30-55 GALLON DRUMS EMULSIFIER                      |             |             | 30       | \$9.00     |                     | \$270.00 |
|                      |              | PICK UP CHARGE                                     |             |             |          |            |                     | \$660.00 |
|                      |              |  |             |             |          |            | \$1,380.00          |          |
|                      |              |  |             |             |          |            | <u>\$1,380.00</u>   |          |
|                      |              |  |             |             |          |            | 1380.00             |          |

300-3576

called 5/24/73 9/11 766154

300-9576

called 8/24/53 9/11 766154

This represents fact with respect to the practices in the industry referred to in the report. It has been complied with the provisions of the Fair Labor Standards Act of 1938, as amended.

THIS SHIPPING ORDER must be legibly filled in, in Ink, Indelible Pen, or in Carbon, and  
RECEIVED subject to the classification and tariffs in effect on the date of issue of this Original Bill of Lading.

BILL OF LADING NO.



CONSERVATION CHEMICAL COMPANY

15963  
SHIPPER'S NO

TO: West Helena, Ark FROM Eagle River Chemical Co. Hwy-242 So.  
6-5 1973

NAME OF CARRIER  
CONSIGNEE TO  
CONSERVATION Chemical Co of Illinois 6500 INDUSTRIAL  
ESTINATION  
GARY  
DATE  
IND.  
CARRIER'S NO  
PO# A0079142

(Mail or street address of consignee - For purposes of notification only.)  
STATE  
COUNTY  
(To be filled in only when shipper desires and governing tariffs provide for delivery thereat.)  
CARRIER  
CONSERVATION Chem.  
CAR OR VEHICLE INITIALS & NO.

| NO<br>PACKAGE        | DESCRIPTION                               | WEIGHT<br>SUI TO CAR | CLASS<br>OR RATE | CHECK<br>COLUMN |
|----------------------|---|----------------------|------------------|-----------------|
|                      | VAN LOAD OF 55 GALLON DRUMS ORGANIC WASTE |                      |                  |                 |
| Bill TO: ANSIL CORP. |   |                      |                  |                 |

1 - When the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$  
AGENT MUST DETACH AND RETAIN THIS SHIPPING ORDER AND MUST SIGN THE ORIGINAL BILL OF LADING

|                        |              |              |                             |
|------------------------|--------------|--------------|-----------------------------|
| Shipper, Per W.D. CAMP |              | Agent, Per   |                             |
| DEPART<br>TERMINAL     | GROSS WEIGHT | TARE WEIGHT  | NET WEIGHT                  |
| ARRIVE<br>TERMINAL     | MILES<br>OUT |              |                             |
| TOTAL<br>TIME          | MILES<br>IN  |              |                             |
| ARRIVE<br>PLANT        | 5:20 AM      | VERIFICATION | DRIVER'S SIGNATURE          |
| START<br>LOAD          |              |              | REMARKS:                    |
| FINISH<br>LOAD         |              |              | LIST NO. OF DRUMS PICKED UP |
| DEPART<br>PLANT        | 1:20 PM      |              |                             |
| TOTAL TIME<br>IN PLANT | HRS. MIN.    |              |                             |

CUSTOMER'S COPY

This Memorandum is an acknowledgment that a BIL of Lading has been received and is not the Original BIL of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Conservation Chemical Company

Carrier ~~Serial~~

Shirley's No.

Carrier's No. 552

RECEIVED Report of the Comptroller and Tariffs in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading.

June 6 1973 from Eagle River Chemical

The undersigned hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification of 501-A which governs the transportation of this type material, and he said herein by his signature, as herein stated, on behalf of the shipper, and accepted for himself and his agents.

The Ansul Company, Marinette, Wis.

(Mail or street address of consignee—For purposes of notification only.)

State \_\_\_\_\_ County \_\_\_\_\_

Delivery Address ☐ To be filled in only when shipper desires and governing tariffs provide for delivery thereat.

\_\_\_\_\_

Delivering Carrier \_\_\_\_\_ Car or Vehicle Initials \_\_\_\_\_ No. \_\_\_\_\_

[illegible]

The shipment moves between two parts by a carrier by water, the law requires that the bill of lading shall state whether it covers a "weight or value" shipment. If it is a "weight or value" shipment, the bill of lading must state the value of the property. Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

Agreed or declared value of the property is hereby specifically stated by the shipper to be \$100.00 exceeding

The fibre boxes used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and other requirements of Uniform Freight Classification.

Approved by Contractor

(The signature has been added only the name  
is present)

Charges: \$100.00

Shipper, Per.

Agent, Per.

3